

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

DONALD J. TRUMP FOR  
PRESIDENT, INC., REPUBLICAN  
NATIONAL COMMITTEE;  
NATIONAL REPUBLICAN  
SENATORIAL COMMITTEE;  
MONTANA REPUBLICAN STATE  
CENTRAL COMMITTEE,

Plaintiffs,

and

GREG HERTZ, in his official capacity  
as Speaker of the Montana House of  
Representatives; SCOTT SALES, in  
his official capacity as President of the  
Montana Senate, on behalf of the  
Majorities of the Montana House of  
Representatives and the Montana  
Senate,

Intervenor-  
Plaintiffs,

vs.

STEPHEN BULLOCK, in his official  
capacity as Governor of Montana;  
COREY STAPLETON, in his official  
capacity as Secretary of State of  
Montana,

Defendants,

and

CV 20–66–H–DLC

(Consolidated with Case No. CV–  
20–67–H–DLC)

ORDER

DSCC, DCCC, and MONTANA  
DEMOCRATIC PARTY,

Intervenor-  
Defendants.

Before the Court is Plaintiffs’ motion seeking clarification of this Court’s September 16, 2020 Order (Doc. 69) imposing certain restrictions on counsels’ attendance and participation at the hearing currently set for September 22, 2020. (Doc. 70.)

The Court’s Order stated that it will not entertain requests to appear remotely from counsel who intend to argue at the September 22, 2020 hearing. (Doc. 69 at 4–5.) Plaintiffs’ seek clarification of whether, in light of Local Rule 83.1(d)(6), non-arguing local counsel must appear personally at the September 22, 2020 hearing even if only *pro hac vice* counsel intends to argue. (Doc. 70 at 2.) Plaintiffs’ represent that *pro hac vice* counsel, rather than local counsel, will provide oral argument in support of their case. (*Id.*)

Local Rule 83.1(d)(6) requires local counsel to “participate actively in all phases of the case” which includes their attendance at all court proceedings for a given matter in which *pro hac vice* counsel is involved. It is the view of this Court, however, that such attendance can be accomplished through remote attendance without offense to the Local Rules. As such, local counsel for the numerous *pro*

*hac vice* admitted in this case shall be permitted to attend the hearing remotely if they do not intend to present argument on their parties' behalf.

Accordingly, IT IS ORDERED that the Court clarifies its prior Order (Doc. 69) by specifying that local counsel need only attend the September 22, 2020 hearing personally if they intend to participate in oral argument. If local counsel does not intend to participate in oral argument, then they shall be permitted to attend remotely by following the instructions contained in this Court's prior Order. (Doc. 69 at 5.)

DATED this 18th day of September, 2020.



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Dana L. Christensen, District Judge  
United States District Court